

REMARKS

Claims 1- 40 are pending in the application. Claims 1-3, 5, 8, 9, 11-13, 15, 18, 19, 21-23, 25, 28, 29, 31-33, 35, 38, and 39 are amended. In view of the foregoing amendments and the following remarks, reconsideration and allowance of all the claims pending in the application are respectfully requested.

Applicants respectfully thank the Examiner for considering the references cited in the Information Disclosure Statements filed on January 23, 2001 and February 5, 2003, as evidenced by signed forms PTO1449.

Rejections Under 35 USC § 103(a)

Claims 1-40 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No.: 4,956,774 to Shibamiya et al. ("Shibamiya"). Applicants respectfully traverse this rejection on the following basis.

Claims 1, 11, 21, and 31 essentially include the features of receiving a request for data associated with a requested hierarchical data list, wherein the request includes a predetermined tolerance and predetermined units, and wherein the step of determining comprises determining a first statistical curve for the requested hierarchical data list, among other things. At least these features are not taught or suggested by Shibamiya.

Applicants respectfully submit that, in the claimed invention, the request for data is associated with a hierarchical data list. In an exemplary embodiment, the request for data is received for one or more hierarchical data lists (HDLs) stored in a hierarchical database (See page 32, lines 24-25 and Fig. 5 of the specification). The Examiner alleges that Shibamiya teaches "receiving a request for a first hierarchical data list with a predetermined tolerance and indicating predetermined units" (See Page 3, paragraph 7 of the Office Action). The Examiner relies on Fig. 1, elements 12, and 16, col. 3, line 66 through col. 4, line 5, and col. 5, lines 11-14 in Shibamiya to teach this feature. However, the cited portions of Shibamiya disclose a SQL based query or request for data stored in a table of a relational database. There is no support in Shibamiya,

however, for the assertion that the entries in the table of the related database store hierarchical data. Therefore, it does not make sense that Shibamiya discloses the feature of receiving a request for a hierarchical data list.

— In what appears to be a contradictory statement, the Examiner acknowledges that Shibamiya is not explicitly about hierarchical data (See page 3, paragraph 7 of the Office Action). However, the Examiner takes the position that Shibamiya teaches “a method suggesting a B-tree for storing index’s pages” (See page 3, paragraph 7 of the Office Action and col. 1, lines 64-67 of Shibamiya). Applicants respectfully submit that this portion of Shibamiya merely discloses an index page for sequential scanning in a relational database system. Even if the Examiner is broadly interpreting B-tree as a hierarchical data list, Shibamiya remains deficient because the B-tree represents an index of entries of the relational database that an inputted request is searched against. The B-tree, however, is not received as a request by a user to be searched against entries in the relational database.

— Furthermore, the independent claims recite determining a statistical curve for the requested hierarchical data list. In an exemplary embodiment of the invention, a normally distributed curve is determined for a requested data of a predetermined tolerance (See page 22, lines 16-25 and page 33, lines 1-2 of the specification). The Examiner alleges that Shibamiya teaches determining a first statistical curve for the requested hierarchical data list (See page 3, paragraph 7 of the Office Action). Apparently, the Examiner relies on Fig. 2 in Shibamiya to teach this feature. However, Fig. 2 in Shibamiya is a distribution curve for index key values (See Fig. 2, col. 4, lines 12-13, col. 1, lines 54-60 in Shibamiya). These index key values in Shibamiya do not correspond to requested data. Rather, these index key values correspond to index entries for data stored in the relational database. Therefore, Fig. 2 in Shibamiya does not represent a statistical curve for the requested data, as claimed. For at least the foregoing reasons, Applicants respectfully submit that claims 1, 11, 21, and 31 are patentable over Shibamiya.

Claims 2-10, 12-20, 22-30, and 32-40 depend from and add additional features to corresponding ones of independent claims 1, 11, 21, and 31. Because Shibamiya

does not teach or suggest each of the features recited in the independent claims, Applicants respectfully submit that dependent claims 2-10, 12-20, 22-30, and 32-40 are also patentable for at least the foregoing reasons.

Applicant believes that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,



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